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OCT 14 2004

PTO/SB/30 (09-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/830,279
Filing Date	Oct. 23, 2001
First Named Inventor	McCabe
Art Unit	2837
Examiner Name	Lockett
Attorney Docket Number	

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☒ Other **DO NOT ENTER THE AMENDMENT FILED ON JULY 22, 2004.**

**3. Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. \_\_\_\_\_
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Michael G. Smith	Registration No. (Attorney/Agent)	45,368
Signature	<i>Michael G. Smith</i>	Date	Oct. 14, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Michael G. Smith
Signature	<i>Michael G. Smith</i>
Date	Oct. 14, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/15/2004 AWONDAF1 00000086 09830279

01 FC:2801 395.00 OP

PAGE 1/2 - RCYD AT 10/14/2004 8:17:40 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXF-1/1 \* DNIS:8729308 \* CSID: \* DURATION (min):02-18  
Adjustment date: 12/07/2004 SDIRETA1

07/23/2004 LWONDAF1 00000070 09830279

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02 FC:2201 -172.00 OP

Adjustment date: 12/07/2004 SDIRETA1

10/15/2004 AWONDAF1 00000086 09830279

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Refund Ref: 12/07/2004

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Oct. 16, 2004

Office of Finance  
P.O. 1450  
Assistant Commissioner for Patents  
Alexandria, VA.  
22313-1450

RE: Filing Fees for application serial # 09/830,279

Office of Finance,

On July 22 of this year, I filed a preliminary amendment for application serial # 09/830,279 and paid a fee of \$352 for the extra claims.

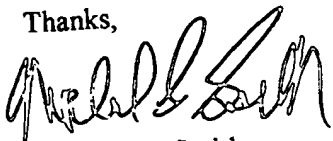
Unbeknownst to me, the examiner had completed a Notice of Allowance one week earlier on July 14, 2004.

The preliminary Amendment on July 22 was never acted upon because after the Notice of Allowance, prosecution on the merits was closed.

Please refund the \$352 preliminary amendment fee to our firm so we can reimburse our client.

A copy of the transmittal of preliminary amendment, including a fax confirmation sheet is included.

Thanks,



Michael G. Smith  
PTO registration #45,368  
Ramirez and Smith  
1090 Vermont Ave. NW., #800  
Washington, DC. 20005

(202) 595-1444 x2

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2004 OCT 22 PM 4:12

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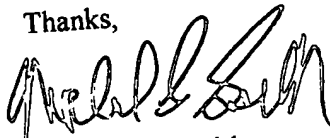
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